

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DPW

Applicant: Anne L. Miller

Title: FLEXIBLE PACKAGES HAVING REUSABLE PULL-TAB OPENERS AND METHODS OF USING SAME

Docket No.: 1443.015US2

Serial No.: 10/695,716

Filed: October 29, 2003

Due Date: January 15, 2005

Examiner: Jes F. Pascua

Group Art Unit: 3727



Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

A return postcard.
 A Response to a Restriction Requirement (2 Pages).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Customer Number 21186

By: Barbara J. Clark
Atty: Barbara J. Clark
Reg. No. 38,107

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of January, 2005.

NameGina M. Uphus

SignatureGina M. Uphus

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)



S/N 10/695,716

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|--|-----------------|-------------|
| Applicant: | Anne L. Miller | Examiner: | Jes Pascua |
| Serial No.: | 10/695,716 | Group Art Unit: | 3727 |
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RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Restriction Requirement mailed December 15, 2004, Applicant hereby elects, with traverse, Group II (claims 11-21) directed to a method of providing a sealed container. If the restriction is continued, the claims of the non-elected invention, i.e., claims 1-10 (Group I) are hereby canceled without prejudice or disclaimer. However, Applicant reserves the right to reintroduce them in one or more continuation or divisional applications at a later date.

The Restriction Requirement is traversed on the basis that restriction requirements are optional in all cases, MPEP 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions MPEP 803.

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The MPEP also states, in section 803, that not only must the inventions be independent, there must also be a serious burden on the Examiner. However, in this instance, the scope of the search should not vary regardless of which sets of claims are examined. Thus, there is no hardship on the part of the Examiner in performing the search and dealing with all the claims in the prosecution of one application.

Respectfully submitted,

ANNE L. MILLER

By her Representatives,

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Date JANUARY 12, 2005 By Barbara J Clark
Barbara J Clark
Reg. No. 38,107

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Name

Chia M. Uphus

Signature

Chia M. Uphus